



COUNTY OF LOS ANGELES
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County Counsel

May 4, 2011

TO: SACHI A. HAMAI
Executive Officer
Board of Supervisors

Attention: Agenda Preparation

FROM: JOHN F. KRATTLI 
Senior Assistant County Counsel

RE: **Elias Aldana, et al. v. County of Los Angeles, et al.**
(consolidated with Savanah Kirifi v. County of
Los Angeles, et al.) -Orange County Superior Court
Case No. 30-2009 00120599 (Lead consolidated with
Los Angeles Superior Court Case No. BC 409 969)

Attached is the Agenda entry for the Los Angeles County Claims Board's recommendation regarding the above-referenced matter. Also attached are the Case Summary and the Summary Corrective Action Plan to be made available to the public.

It is requested that this recommendation, the Case Summary and the Summary Corrective Action Plan be placed on the Board of Supervisor's agenda.

JFK:rfm

Attachments

Board Agenda

MISCELLANEOUS COMMUNICATIONS

Los Angeles County Claims Board's recommendation: Authorize settlement of the matter entitled Elias Aldana, et al. v. County of Los Angeles, et al. (consolidated with Savanah Kirifi v. County of Los Angeles, et al.) - Orange County Superior Court Case No. 30-2009 00120599 (Lead consolidated with Los Angeles Superior Court Case No. BC 409 969), in the amount of \$4,750,000 and instruct the Auditor-Controller to draw a warrant to implement this settlement from the Sheriff's Department's budget.

This lawsuit arises from personal injuries sustained in a motor vehicle accident involving an employee of the Sheriff's Department.

CASE SUMMARY

INFORMATION ON PROPOSED SETTLEMENT OF LITIGATION

CASE NAME	Elias Moises Aldana v. County of Los Angeles, et al.
CASE NUMBER	Case No. 30-2009 00120599
COURT	Orange Superior Court
DATE FILED	March 28, 2009
COUNTY DEPARTMENT	Sheriff's Department
PROPOSED SETTLEMENT AMOUNT	\$ 4,750,000
ATTORNEY FOR PLAINTIFF	Keith Adesko, Esq.
COUNTY COUNSEL ATTORNEY	Brian T. Chu Principal Deputy County Counsel
NATURE OF CASE	<p>On June 29, 2008, at approximately 5:25 a.m., at the signalized intersection of Beach Boulevard and Garden Grove Boulevard in the City of Garden Grove, a Sheriff's deputy driving an unmarked Sheriff's vehicle collided with another vehicle in which Savannah Kirifi was a passenger. It is disputed who, among the drivers, proceeded into the intersection against a red traffic signal which resulted in the collision.</p> <p>As a result of the collision, Mr. Aldana suffered traumatic brain injury, internal organ trauma</p>

that required a splenectomy, several rib fractures, pelvic fractures, left shoulder muscle tear, right foot denervation, and other soft tissue injuries. He incurred approximately over \$2.17 million in medical expenses.

Due to the inherent risks and uncertainties involved in a trial, the potential liability and potential exposure to an adverse verdict, the County proceeded with settlement negotiations and was eventually able to develop this recommended settlement with the plaintiff.

PAID ATTORNEY FEES, TO DATE	\$	243,314
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PAID COSTS, TO DATE	\$	174,652
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Case Name: **Elias Aldana, et al. v. County of Los Angeles, et al.**



Summary Corrective Action Plan

The intent of this form is to assist departments in writing a corrective action plan summary for attachment to the settlement documents developed for the Board of Supervisors and/or the County of Los Angeles Claims Board. The summary should be a specific overview of the claims/lawsuits' identified root causes and corrective actions (status, time frame, and responsible party). This summary does not replace the Corrective Action Plan form. If there is a question related to confidentiality, please consult County Counsel.

Date of incident/event:	Sunday, June 29, 2008; 5:25 a.m.
Briefly provide a description of the incident/event:	<p><u>Elias Aldana, et al. v. County of Los Angeles, et al.</u> Summary Corrective Action Plan No. 2010-019</p> <p>On Sunday, June 29, 2008, at approximately 5:25 a.m., an employee of the Los Angeles County Sheriff's Department was driving an unmarked, County of Los Angeles-owned vehicle south on Beach Boulevard, north of Garden Grove Boulevard, Stanton (County of Orange). As the employee entered the intersection of Garden Grove Boulevard, the vehicle he was driving struck the plaintiff's vehicle.</p>

1. Briefly describe the root cause(s) of the claim/lawsuit:

A public entity is responsible for the negligent acts of its employees when the acts are committed in the course and scope of employment.

As a result of this traffic collision, the plaintiff and his passenger were transported to a local hospital for treatment of their injuries.

The vehicle the plaintiff was driving, a 1999 Mazda Protégé, California License Number 5PHP453, sustained major damage.

The employee was transported to a local hospital for treatment of his injuries.

The vehicle he was driving, a 2005 Chevrolet Trailblazer, California License Number 5KUG920, sustained major damage.

2. Briefly describe recommended corrective actions:
(Include each corrective action, due date, responsible party, and any disciplinary actions if appropriate)

The Los Angeles County Sheriff's Department had relevant policies and procedures/protocols in effect at the time of this incident.

The Los Angeles County Sheriff's Department's training curriculum addresses the circumstances which occurred in this incident.

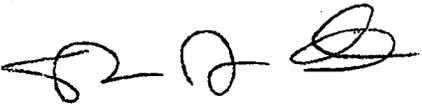
County of Los Angeles
Summary Corrective Action Plan

The traffic collision was investigated by representatives from the Garden Grove Police Department, Orange County Sheriff's Department, and the Los Angeles County Sheriff's Department. As a result, the employee was arrested for violating California Vehicle Code section 23153(a) and (b), Driving Under Influence of Alcohol or Drugs Causing Injury.

The Los Angeles County Sheriff's Department's administrative review revealed employee misconduct. Appropriate administrative action was taken.

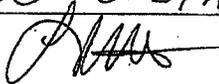
3. State if the corrective actions are applicable to only your department or other County departments: (If unsure, please contact the Chief Executive Office Risk Management Branch for assistance)

- Potentially has Countywide implications.
- Potentially has an implication to other departments (i.e., all human services, all safety departments, or one or more other departments).
- Does not appear to have Countywide or other department(s) implications.

Name: (Risk Management Coordinator)	
Shaun J. Mathers, Captain Risk Management Bureau	
Signature: 	Date: 2/10/11

Name: (Department Head)	
Roberta A. Abner, Chief Leadership and Training Division	
Signature: 	Date: 2/16/11

Chief Executive Office Risk Management Branch

Name: LEO COSTANTINO	
Signature: 	Date: 3/11/2011

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